



City of NORFOLK

C: Dir., Department of Development

To the Honorable Council
City of Norfolk, Virginia

April 26, 2016

From: Charles E. Rigney, Sr., Director
Department of Development

Subject: Authorization and Approval of
Various Easements and Agreements for
Norfolk Premium Outlets

Reviewed:
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved:
Marcus D. Jones, City Manager

Item Number:

R-9

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**

This agenda item is an ordinance to authorize and approve various easements and agreements in furtherance of the May 6, 2016 real estate closing for Norfolk Premium Outlets.

IV. **Analysis**

In order to allow for real estate closing to occur and for the development of the property by Norfolk Outlets, LLC ("Norfolk Outlets"), it is requested that the City of Norfolk (the "city") accept certain easements for utilities, drainage and access and enter into maintenance and other agreements as contemplated in the Site Development Plans for Norfolk Premium Outlets.

V. **Financial Impact**
N/A

VI. **Environmental**
N/A

VII. **Community Outreach/Notification**

Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. **Board/Commission Action**

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of Development and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance

04/22/2016

Form and Correctness Approved: *RAP*

By *Michelle G. Tox*
Office of the City Attorney

Contents Approved:

By *Robert W. Hinkle*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING A DEED OF EASEMENT FOR PEDESTRIAN ACCESS FROM NORFOLK OUTLETS, LLC TO THE CITY OF NORFOLK, APPROVING A DEED OF EASEMENT FOR FORCE MAIN FROM NORFOLK OUTLETS, LLC TO THE CITY OF NORFOLK, APPROVING A LIGHTING MAINTENANCE AGREEMENT BETWEEN THE CITY OF NORFOLK AND NORFOLK OUTLETS, LLC, APPROVING A LAKE BANK MAINTENANCE AGREEMENT BETWEEN THE CITY OF NORFOLK AND NORFOLK OUTLETS, LLC, AUTHORIZING THE CITY MANAGER TO ACCEPT A DEED OF DEDICATION FROM THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NORFOLK FOR THE PUBLIC ROADWAY TO BE CONSTRUCTED AT LAKE WRIGHT, AUTHORIZING THE CITY MANAGER TO ACCEPT A SPECIAL WARRANTY DEED FROM THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NORFOLK FOR THE RESIDUAL TRACT OF LAND LOCATED WEST OF THE PUBLIC ROADWAY TO BE CONSTRUCTED AT LAKE WRIGHT, AND AUTHORIZING THE CITY MANAGER TO ACCEPT ANY AND ALL EASEMENTS AND TO ENTER INTO SUCH EASEMENTS, MAINTENANCE AND OTHER AGREEMENTS AS ARE REQUIRED BY THE CITY OF NORFOLK FOR THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NORFOLK TO CLOSE UPON THE SALE OF REAL PROPERTY TO NORFOLK OUTLETS, LLC AND AS REQUIRED BY THE SITE DEVELOPMENT PLANS FOR NORFOLK PREMIUM OUTLETS, NORFOLK, VIRGINIA, DATED APRIL 6, 2016.

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WHEREAS the Economic Development Authority (the "Authority") has entered into that certain Real Estate Purchase Agreement dated November 11, 2013, with Norfolk Outlets, LLC ("Norfolk Outlets"), successor in interest to Simon Acquisition II, LLC, for approximately 51 acres of land located at the property formerly known as Lake Wright Golf Course in the City of Norfolk (the "Property");

WHEREAS a closing under the Real Estate Purchase Agreement is imminent ("Closing");

WHEREAS the City of Norfolk, pursuant to section 2(5) of its Charter, is empowered to acquire real property, or any estate or interest therein, within or without the City for any of the purposes of the City;

WHEREAS, in order to allow for Closing to occur and the development of the Property by Norfolk Outlets, it is the desire and intention of the City Council to accept certain easements for utilities, drainage and access, to accept real property from the Authority, and to enter into maintenance and other agreements as contemplated in the Site Development Plans for Norfolk Premium Outlets, Norfolk, Virginia, dated April 6, 2016 (the "Site Plans"); now therefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the Deed of Easement for Pedestrian Access from Norfolk Outlets to the City, the Deed of Easement for Force Main from Norfolk Outlets to the City, the Lighting Maintenance Agreement between the City and Norfolk Outlets, the Lake Bank Maintenance Agreement between the City and Norfolk Outlets, the Deed of Dedication from the Authority to the City for the public roadway to be constructed at Lake Wright, the Special Warranty Deed from the Authority to the City for the residual tract of land located west of the public roadway to be constructed at Lake Wright, and any and all easements, maintenance or other agreements required by the City for the Authority to close upon the sale of the Property to Norfolk Outlets and in order to allow for the development of the Property by Norfolk Outlets in accordance with the Site Plans, is hereby approved.

Section 2:- That the City Manager is authorized to accept the easements and to enter into the agreements contemplated in Section

1 above as he may deem necessary in order to carry out the intent of Council, subject to approval as to form and correctness by the Office of the City Attorney.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.